

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8
9 Russell L Shaffer, *et al.*,

No. CV-17-01540-PHX-JJT

10 Plaintiffs,

ORDER

11 v.

12 Gurstel Law Firm P.C.,

13 Defendant.

14
15 The Federal Rules of Civil Procedure and the Local Rules of Civil Procedure
16 apply to all proceedings in this case. Pursuant to Rule 4(m) of the Federal Rules of Civil
17 Procedure, you must serve each Defendant in your case with the Summons and
18 Complaint **within 90 days** from the date the Complaint is filed, unless you obtain a
19 waiver of service pursuant to the requirements of Fed. R. Civ. P. 4(d). If, for good reason,
20 you cannot serve your Summons and Complaint on a Defendant within 90 days, you may,
21 prior to the expiration of the 90-day period, file with the Court a request for an extension
22 of time in which to serve your Summons and Complaint. In that request, you should set
23 forth the reason why you have not accomplished service and request a specific short
24 period of time in which to accomplish such service on any Defendant. If the Court
25 believes your reason constitutes “good cause” it will authorize a brief additional period in
26 which you can then serve the Defendant.

27 If you do not obtain an extension and any Defendant named in your Complaint is
28 not served within 90 days, the Court is obliged, after notice to you, to dismiss the

1 Complaint without prejudice (meaning that your Complaint is dismissed but you may
2 refile the Complaint in a new action if you wish to do so).

3 The only way that the Court knows that you have served the Defendant is that, the
4 person who serves the Defendant with the Summons and Complaint is required,
5 according to the rules, to file an affidavit with the Court which proves that the Defendant
6 was served in compliance with Fed. R. Civ. P. 4(l). Therefore, you need to be sure that,
7 prior to 90 days from the date on which you filed your Complaint, whoever serves the
8 Summons and Complaint on each Defendant files an affidavit with this Court
9 demonstrating that they accomplished proper service.

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11 **THIS CONSTITUTES YOUR NOTICE UNDER RULE 4(m) THAT**
12 **IF YOU HAVE NOT APPROPRIATELY SERVED ANY**
13 **DEFENDANT WITHIN 90 DAYS FROM THE FILING OF YOUR**
14 **COMPLAINT THAT DEFENDANT WILL BE DISMISSED**
15 **WITHOUT PREJUDICE FROM YOUR LAWSUIT.**

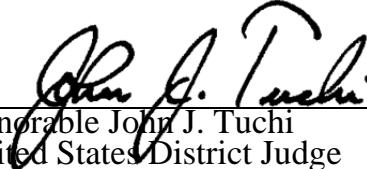
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17 IT IS HEREBY ORDERED directing the Clerk of Court to terminate **any or all**
18 Defendants in this matter, without further notice, that have not been served within the
19 time required by Fed. R. Civ. P. 4(m) on **August 18, 2017**.

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21 Dated this 22nd day of May, 2017.

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23 
24 Honorable John J. Tuchi
25 United States District Judge

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